IN THE HIGH COURT OF JHARKHAND, RANCHI
M.A. No. 298 of 2017

Union of India through the General Manager, South Eastern Railway, Kolkata, PO and PS – Garden Reach, District – Kolkata (WB), represented through Saibal K. Bose, Dy. Chief Commercial Manager/Claims, South Eastern Railway 14, 5th and Rd. 10th Floor, PO and PS – Strand Rd. Kolkata **.... Appellant**

-- Versus --

1. Nazrun Khatun, wife of Late Soharab Khan @ Saherad Khan @ Saheb Khan
2. Soheb Khan, son of Late Soharab Khan @ Saherad Khan @ Saheb Khan
3. Anish Khan, son of Late Soharab Khan @ Saherad Khan @ Saheb Khan, represented through his natural guardian respondent No.1

All are residents of Bisra, PO and PS – Bisra, District – Sundergarh, Orissa **.... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant :- Mr. Romit Kumar, Advocate
For Respondents :-

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*19/**10.09.2026*** Heard Mr. Romit Kumar, learned counsel appearing for the appellant.

2. This appeal has been preferred under Section 23(1) of the Railway Claims Tribunal Act, 1987.

3. In this appeal, challenge has been made to the judgment dated 28.02.2017 passed by learned Member (Judicial), Railway Claims Tribunal, Ranchi Bench in Case No. OA (IIU)/RNC/65/2016 whereby the learned Tribunal has been pleased to allow the claim application and I Benchawarded the compensation of Rs.8,00,000/- and further the appellant/respondent has been directed to pay the decretal amount of Rs.8,00,000/- to the claimants within the period of 90 days from the date

of judgment and if the amount is not paid within 90 days, interest will be paid at the rate of 9% per annum simple from that day till the date of actual payment.

4. Mr. Romit Kumar, learned counsel appearing for the appellant submits that the claim case was filed before the Railway Claims Tribunal by the claimants stating that the victim was travelling on 23.09.2012 armed with 2nd class journey ticket from Tata Nagar to Dhanbad junction while the said train reached Nimdih Station, he accidentally fell down from the running train due to rush and sudden jerk of train. He further submits that the victim was shifted by the station staff from track to platform and rendered first aid and information was given to ADMO/Chandil, RPF/GRP/Chandil and the relatives of the injured person. He then submits that ADMO/Chandil attended the injured and declared him dead and thereafter Abdul Jabbar Khan relative of the deceased reached at Nimdih Station and identified the dead body as that of Soharab Khan, son of Late Nawab Khan. He next submits that Abdul Jabbar Khan gave fardbayan (Exhibit-A2) and on the basis of same U/D Case No.26/2012 was registered.

5. Mr. Romit Kumar, learned counsel appearing for the appellant submits that the learned Tribunal has erroneously decided the said appeal in favour of the claimants and according to him the said incident is not an untoward incident as defined under Section 123(c)(2) of the Railways Act, 1989. He further submits that the deceased was not a bona fide passenger, however, the learned Tribunal has passed the said order. He then submits that erroneously the interest has been allowed by the learned Tribunal that too @ 9% interest instead of 7.5%. He next submits that pursuant to the order of Co-ordinate Bench dated

08.01.2020 the appellant has already deposited Rs.8 lacs including the interest to the tune of Rs.10,67,958/- before the learned Additional Registrar, Railway Claims Tribunal, Ranchi.

6. Learned Tribunal has framed three issues to decide the said claim. Applicant No.1 Nazrun Khatun has filed her affidavit as evidence and affirmed facts what has been argued by Mr. Romit Kumar, learned counsel appearing for the appellant here-in-above.

7. The FIR was registered which was marked as Exhibit A1 and Inquest Report was marked as Exhibit A4 and in view of that it is crystal clear that the victim died due to the serious injuries sustained by fall from the train. The final police report (Exhibit-A6) also concludes that the victim Soharab Khan died due to injuries sustained in a rail traffic accident. The postmortem report (Exhibit A5) was also there suggesting that the deceased died due to head and chest injuries caused by hard and blunt objects. The learned Tribunal has further considered the DRMs report (Exhibit R2) submitted as a result of investigation done under Rules, 2003 wherein it was found that the deceased was not a bona fide passenger and also the fall of the deceased from the train could not be established. On the other hand, the enquiry report submitted to Sr.DSC/RPF/Adra (Exhibit R3) found to be mentioned in last para that in view of the above fact and evidence collected on record, it is clear that due to negligence on the part of the deceased Sohrab Khan @ Saheb Khan, he fell down by any unknown train near Nimdih station, as such railway is not any responsible for the death of Late Sohrab Khan.

8. In the report of RPF/Chandil to Sr.DSC/Adra it was mentioned that the victim fell down near Nimdih station from unknown train due to his negligence and the learned Tribunal considering the said Exhibit R3

and further relying on the judgment of Hon'ble Supreme Court in the case of ***Union of India vs. Prabhakaran Vijaya Kumar & Ors. reported in (2008) (2) TAC 777 (S.C.)*** and ***Jameela and Others vs. Union of India reported in (2010) 12 SCC 443*** it has been held that in view of above two judgments, the railway is liable. The learned Tribunal has found in view of that the case of the claimant is not coming under Section 124-A of the Railway Act and the learned Tribunal has found that the case of the victim is coming within the admission of untoward incident as defined under Section 123(c)(2) of the Railways Act and thereafter has been pleased to allow the claim application and directed to pay Rs.8 lacs and interest @ 9% if not paid within 90 days of the said order.

9. Learned Tribunal has already found the case of the victim falling under Section 123(c)(2) of the Railway Act, 1989.

10. In view of the above exhibits, it is crystal clear that accident has taken place due to fall from the train and the final form submitted after investigation and enquiry report of RPF further proves the said accident.

11. How the trains are over-crowded is well-known. In a country where crores of people who travel by railway trains since everybody cannot afford travelling by Air or in a Private Car by giving a restrictive and narrow meaning to the expression it will amount to deprive a large number of victims of train accidents (particularly poor and middle-class people) from getting compensation under the Railways Act. Thus, when travelling in the train is admitted and said occurrence has taken place which has been found to be genuine and in view of the final form wherein it has been disclosed that due to accidental fall this has been occurred, then the case of the deceased will come under main section

124-A of the Railways Act, 1989.

12. The accidental fall is there and in view of that it cannot be said that it was a case of suicide or it is not a self-inflicted injury, neither due to his own criminal act nor he was in a state of intoxication or insanity nor due to any natural cause or disease and, moreover, the Railway has also failed to prove that the deceased not fell from the running train and death has occurred due to his own negligence. Thus, it can be safely said that his falling down from the train was accidental and the said accident not falling under the exception of Section 124-A of the proviso and identical was the issue before the Hon'ble Supreme Court in the case of ***"Jameela and Others v. Union of India", reported in (2010) 12 SCC 443*** on which the learned Tribunal has also relied wherein it has been held in paragraph no.10 and 11 of the said judgment as under:

> ***"10.*** *It is not denied by the Railways that M. Hafeez fell down from the train and died while travelling on it on a valid ticket. He was, therefore, clearly a "passenger" for the purpose of Section 124-A as clarified by the Explanation. It is now to be seen, that under Section 124-A the liability to pay compensation is regardless of any wrongful act, neglect or default on the part of the Railway Administration. But the proviso to the section says that the Railway Administration would have no liability to pay any compensation in case death of the passenger or injury to him was caused due to any of the reasons enumerated in clauses (a) to (e)"*
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> ***11.*** *Coming back to the case in hand, it is not the case of the Railways that the death of M. Hafeez was a case of suicide or a result of self-inflicted injury. It is also not the case that he died due to his own criminal act or he was in a state of intoxication or he was insane, or he died due to any natural cause or disease. His falling down from the train was, thus, clearly accidental.*

13. When the case of the deceased is not coming within the enumerated reasons under clauses (a) to (e) of section 124-A of the Act, the case of the deceased is coming within the main section of Section 124-A of the Railways Act, 1989, claimant is entitled for compensation. In that view of the matter, this Court comes to the conclusion that the

learned Tribunal has rightly held so. In the case of ***"Union of India v. Rina Devi", reported in (2019) 3 SCC 572***, the Railways Act, 1989 has been considered by the Hon'ble Supreme Court in that case and what will be the amount of compensation and interest under the said Act was also considered and it was held at paragraph nos.19 and 30 of the said judgment, which are as under:

> ***"19.*** *Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in Rathi Menon [Rathi Menon v. Union of India, (2001) 3 SCC 714, para 30 : 2001 SCC (Cri) 1311] and Kalandi Charan Sahoo [Kalandi Charan Sahoo v. South-East Central Railways, (2019) 12 SCC 387 : 2017 SCC OnLine SC 1638] stands explained accordingly. The fourJudge Bench judgment in Pratap Narain Singh Deo [Pratap Narain Singh Deo v. Srinivas Sabata, (1976) 1 SCC 289 : 1976 SCC (L&S) 52] holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date of the accident has to be given with reasonable interest and to give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.*
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> ***30.*** *As already observed, though this Court in Thazhathe Purayil Sarabi [Thazhathe Purayil Sarabi v. Union of India, (2009) 7 SCC 372 : (2009) 3 SCC (Civ) 133 : (2009) 3 SCC (Cri) 408 : 2010 TAC 420] held that rate of interest has to be @ 6% from the date of application till the date of the award and 9% thereafter and 9% rate of interest was awarded from the date of application in Mohamadi [Mohamadi v. Union of India, (2019) 12 SCC 389 : 2010 SCC OnLine SC 19] , rate of interest has to be reasonable rate on a par with accident claim cases. We are of the view that in absence of any specific statutory provision, interest can be*

> *awarded from the date of accident itself when the liability of the Railways arises up to the date of payment, without any difference in the stages. Legal position in this regard is on a par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner."*

14. In view of the above facts, it is evident that the appeal deserves to be dismissed for the reasons that the appellant herein has not been able to demolish the reasons given by the learned Tribunal.

15. Since in view of the order dated 28.02.2017 the amount along with interest @ 7.5% to the tune of Rs.10,67,958/- has been deposited before the learned Additional Registrar, Railway Claims Tribunal, Ranchi the said amount will be released in favour of the claimants and the said amount was directed by the Co-ordinate Bench to be kept in the bank so that the interest may accrue on the said deposited amount.

16. In that view of the matter, the learned Additional Registrar, Railway Claims Tribunal, Ranchi shall release the said amount in favour of the claimants on proper verification.

17. Since the said amount has already been deposited and in view of that the appellant herein will not be liable to further pay the interest.

18. In the aforesaid background, this appeal is hereby dismissed.

(Sanjay Kumar Dwivedi, J.)

Dated 10.09.2026
Sangam/
A.F.R.